CIA Must Pay Compensation For Opening Mail, Court Rules

New York

A federal appellate court has affirmed a decision requiring the government to pay $1000 each to three persons whose mail was opened by the Central Intelligence Agency in a domestic mail-monitoring program.

The decision could lead to the payment of many millions of dollars in damages, accordin to Melvin L. Wulf, an attorney for American Civil Liberties Union, which represented two of the plaintiffs. He said he will ask the government for a general settlement of $100 for every person whose mail was opened in the secret program.

He estimates the number of persons involved at "tens of thousands."

U.S. Attorney Edward R. Korman said the solicitor general will decide whether to ask the U.S. Supreme Court to review the appellate decision, which was issued in Manhattan on Thursday.

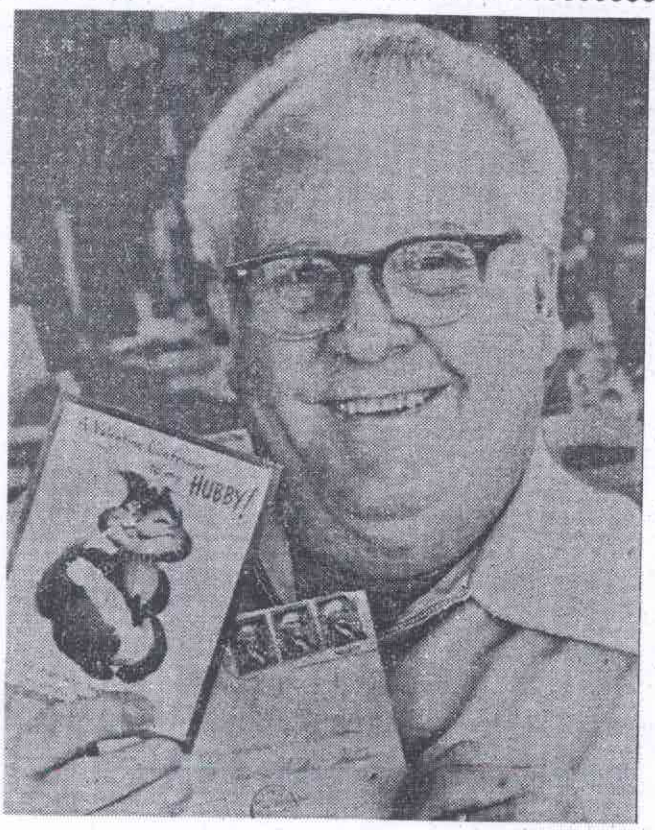
The three $1000 damage awards had been ordered by Judge Jack B. Weinstein of U.S. District Court in Brooklyn.

The case grew out of suits by three people whose mail was opened by CIA agents in New York while the mail was on its way to the Soviet Union from the United States.

The plaintiffs are Norman Birnbaum, an Amherst College professor who wrote to a Soviet professor about a sociology meeting; Mary Rule MacMillen, a former Northeastern University placement coordinator who wrote to a Soviet dissident, and B. Leonard Avery, a Minneapolis advertising executive whose son wrote to him from Moscow on a vist.

In the 42-page decision, the court stressed that "there is no statute or regulation which sanctions the mail-opening procedure engaged in by the CIA." He said that the agency's legislative charter gave it "no authority to gather intelligence on domestic matters and that it had "no discretion t engage in these mail-opening activi ties."

New York Time



AP Wirephoto

The Late Mail

It isn't even the right season, but the post office delivered a valentine yesterday to Woodrow Wilson in Dallas, Texas. His wife sent him the card 22 years ago and the post office said that they found the envelope behind a piece of machinery a few days ago. Wilson said he was happy to get the message, even 22 years late. He also noted that the postage was only three cents. Today it would be 15 cents.